

Serial No. 10/642,860
UTILITY PATENT

Resp to Off Act mailed on Apr. 3, 2006
B&D No. TN-1631C

USPQ2d 1111, 1117 (Fed. Cir. 1991)). Such possession of the claimed invention can be shown by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.

MPEP § 2163.02 (*citing Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997)).

A person skilled in the art would easily recognize the claimed cavity in the battery pack housing, where the cells are disposed. Referring to FIGS. 8-9, housing 11B is substantially hollow. That hollow area is the cavity, where cells 12 are disposed. Accordingly, proper support exists for the term "cavity."

Similarly, the Examiner objected to the phrase "at least two terminals electrically connected to the cells." Such terminals are inherent to battery packs. Every battery pack has at least a positive terminal and a negative or ground terminal connected to the cells. Otherwise, the battery pack would not be able to supply any power.¹

These terminals would be located in terminal block 14, such as the block discussed in US Patent No. 5,144,217, which is referred to in the Specification. Spec., p. 1, lns. 21-22. The Specification reads that the second embodiment incorporates the teachings of the first embodiment. Spec., p. 5, lins. 8-9. The first embodiment in turn teaches a battery pack 100 that may "have a pack cover 15, tower 16, terminal block 14 and/or cell 13 as taught in the prior art,"

¹ If the Examiner disagrees with such statement, the Examiner is invited to provide evidence of a battery pack lacking positive and/or negative terminals.

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such as the battery pack of FIG. 1. Spec., p. 4, lns. 8-9. Being that terminal block 14 has at least two terminals electrically connected to the cells, such element has been properly described.

The Examiner also objected to the phrase that the two terminals are "disposed above the cavity." As discussed above, FIG. 1 shows the prior art location of terminal block 14, which is the same location for the second embodiment of FIG. 8. As shown in FIG. 1, terminal block 14, which contains at least two terminals, is disposed above cells 12 and thus above the claimed cavity which contains cells 12. Therefore, such locational limitation has been properly described.

Applicants believe the application to be in condition for formal allowance. Accordingly, allowance of Claims 48-65 is respectfully requested.

No fee is believed to be due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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